

EXHIBIT A: Summons and Complaint

FILED
01-31-2022
Anna Hodges
Clerk of Circuit Court
2022CV000624
Honorable Kristy Yang-47
Branch 47

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

KATHRYN ROBINSON,
3929 South 41st Street
Greenfield, Wisconsin 53221,

Plaintiff,

THE HONORABLE DENIS RICHARD MCDONOUGH,
SECRETARY OF THE UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS,
A Government Entity
U. S. Department of Justice
United States Attorney
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202,

Involuntary Plaintiff,

v.

SPEEDWAY LLC,
c/o Registered Agent: CT Corporation System
301 South Bedford Street, Suite 1
Madison, Wisconsin 53703,

ABC MAINTENANCE COMPANY,
Current Name Unknown,
Current Address Unknown, and

DEF INSURANCE COMPANY,
Current Name Unknown
Current Address Unknown,

Defendants.

THE STATE OF WISCONSIN

To Each Person Named Above as an Involuntary Plaintiff or Defendant

YOU ARE HEREBY NOTIFIED that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint which is attached states the nature and basis of the legal action.

SUMMONS

Case No.:

Case Code: 30107
Personal Injury - Other

Within forty-five (45) days after receiving this Summons, you must respond with a written Answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an Answer that does not follow the requirements of the statutes. The Answer must be sent or delivered to the Circuit Court for Milwaukee County whose address is Milwaukee County Courthouse, 901 North Ninth Street, Room 104, Milwaukee, Wisconsin 53233, and to the Plaintiff's attorneys, J. Richard Law Offices, LLC, whose address is 710 North Plankinton Avenue, Suite 804, Milwaukee, Wisconsin 53203. You may have an attorney help or represent you.

If you do not provide a proper Answer within forty-five (45) days, the Court may grant Judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A Judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated at Milwaukee, Wisconsin this 31st day of January, 2022

J. RICHARD LAW OFFICES, LLC
Attorneys for Plaintiff, Kathryn Robinson

//Electronically Signed by Jason S. Richard//
By: Jason S. Richard
SBN: 1032068

POST OFFICE ADDRESS:

jason@jrichardlaw.com
710 North Plankinton Avenue
Suite 804
Milwaukee, WI 53203
Phone: 414.232.1792

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MILWAUKEE COUNTY

KATHRYN ROBINSON,
3929 South 41st Street
Greenfield, Wisconsin 53221,

Plaintiff,

THE HONORABLE DENIS RICHARD MCDONOUGH,
SECRETARY OF THE UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS,
A Government Entity
U. S. Department of Justice
United States Attorney
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202,

COMPLAINT

Case No.:

Case Code: 30107
Personal Injury - Other

v.

SPEEDWAY LLC,
c/o Registered Agent: CT Corporation System
301 South Bedford Street, Suite 1
Madison, Wisconsin 53703,

ABC MAINTENANCE COMPANY,
Current Name Unknown,
Current Address Unknown, and

DEF INSURANCE COMPANY,
Current Name Unknown
Current Address Unknown,

Defendants.

NOW COMES the Plaintiff, KATHRYN ROBINSON, by her attorneys, J. Richard Law
Offices, LLC and as for causes of action against the above-named parties, alleges and states
to the Court as follows:

PARTIES

1. That at all times material, the Plaintiff, KATHRYN ROBINSON (hereinafter "KATHRYN"), is an adult citizen of the State of Wisconsin residing at 3929 South 41st Street, Milwaukee, Wisconsin 53221.

2. That Involuntary Plaintiff, THE HONORABLE DENIS RICHARD MCDONOUGH, SECRETARY OF THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (hereinafter "VETERAN AFFAIRS") is a government entity, in care of the U.S. Department of Justice, United States Attorney, located at 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202; and that upon information and belief, the Involuntary Plaintiff, VETERAN AFFAIRS, has made payments for medical care provided to the Plaintiff, KATHRYN. The Plaintiff, KATHRYN, alleges doubt as to whether the Involuntary Plaintiff, VETERAN AFFAIRS, is truly subrogated or interested in this action, but said Involuntary Plaintiff is joined as a party for the purposes of complying with the provisions of the Federal Medical Care Recovery Act. 42 United States Code, Sections 2651-2653 and 10 United States Code 1095.

3. That upon information and belief, at all times material, the Defendant, SPEEDWAY LLC (hereinafter "SPEEDWAY"), is a corporation, licensed to do and doing substantial business in the State of Wisconsin, with offices of its registered agent, CT Corporation System, located at 301 South Bedford Street, Suite 1, Madison, Wisconsin 53703; that upon information and belief, the Defendant, SPEEDWAY, is self-insured.

4. That upon information and belief, at all times material, the Defendant, ABC MAINTENANCE COMPANY (hereinafter "ABC MAINTENANCE"), is a corporation, whose name is currently unknown, licensed to do and doing substantial business in the State of Wisconsin, with the offices of its registered agent, being currently unknown.

5. That the Defendant, DEF INSURANCE COMPANY (hereinafter "DEF INSURANCE"), is a foreign or domestic corporation whose name, address, registered agent, registered offices and state of incorporation of which are presently unknown to the Plaintiff, EMMA, and that in place of the actual name of the Defendant Insurance Company, a fictitious name is being used for the Defendant pursuant to § 807.12, Wis. Stats. That upon information and belief, the Defendant, DEF INSURANCE, provided liability insurance to the Defendant, ABC MAINTENANCE, and their agents, servants and/or employees, indemnifying them against all liability incurred for their negligent acts and/or omissions, for punitive damages, and that by reason of said insurance policy and the alleged negligence of the said Defendant, and the provisions of § 803.04(2), Wis. Stats., the Defendant, DEF INSURANCE, is a proper party Defendant herein.

6. That upon information and belief at all times material, the Defendant, SPEEDWAY, owned, operated and/or maintained the building, sidewalks, walkways, and parking lot at the property known locally as Speedway Store #4154 and located 3390 West Loomis Road, Greenfield, Wisconsin 53221 (hereinafter known as "the PROPERTY").

BACKGROUND FACTS

7. The Plaintiff, KATHRYN, re-alleges and incorporates herein by reference paragraphs one through six (1-6) of this Complaint.

8. That on February 17, 2019, the Plaintiff, KATHRYN, was a customer and patron at THE PROPERTY, when she slipped and fell as she was exiting her vehicle, due to the dangerous condition of the walkways, which include but are not limited to: being icy and/or snowy, and that were not safeguarded and marked, thus causing said Plaintiff to sustain severe and possibly permanent injuries.

9. That at all times material to this action, the Defendants, SPEEDWAY AND ABC MAINTENANCE COMPANY, were the owners, landlords, managers, maintainers, and/or were the operators of THE PROPERTY, and had control over THE PROPERTY, including the walkways, the areas where patrons gathered and entered and/or exited the premises, around where the Plaintiff, KATHRYN, fell; said Defendants had a duty to maintain THE PROPERTY, including the areas where the patrons gathered, pumped gasoline, and entered and/or exited the premises, in a condition that is reasonably safe for patrons and devoid of hazards.

**FIRST CAUSE OF ACTION – NEGLIGENCE: SPEEDWAY LLC AND ABC
MAINTENANCE COMPANY**

10. The Plaintiff, KATHRYN, realleges and incorporates herein, as though more fully set forth, all of the allegations contained in paragraphs one through nine (1-9) above with the same force and effect.

11. The Defendants, SPEEDWAY and ABC MAINTENANCE COMPANY, and their employees and agents, were negligent in the ownership, inspection, maintenance and/or supervision of THE PROPERTY by, including but not limited to, failing to keep THE PROPERTY and the areas accessible to the public, including the walkways, where the public gathered, pumped gasoline, and entered and/or exited the premises, maintained in a safe manner and devoid of hazardous conditions.

12. The negligence of the Defendants, SPEEDWAY and ABC MAINTENANCE COMPANY, and their employees and agents, was a direct and proximate cause of, meaning a substantial factor in bringing about the Plaintiff's, KATHRYN, past injuries, past pain and suffering, past medical and hospital expenses, and past loss of income; that said Plaintiff's injuries are permanent in nature, thereby causing her to suffer pain and disability in the

future, incur medical and hospital expenses in the future, and incur loss of income in the future, in an unspecified amount pursuant to the Wisconsin Statutes and Wisconsin law.

**SECOND CAUSE OF ACTION – SAFE PLACE: SPEEDWAY LLC AND ABC
MAINTENANCE COMPANY**

13. The Plaintiff, KATHRYN, realleges and incorporates herein, as though more fully set forth, all of the allegations contained in paragraphs one through twelve (1-12) above with the same force and effect.

14. The Plaintiff, KATHRYN, was at all times material to this Complaint, a frequenter as that term is defined in Wis. Stats. § 101.01, while a patron at THE PROPERTY.

15. The Defendants, SPEEDWAY and ABC MAINTENANCE COMPANY, were the owners, landlords, managers, maintainers, and/or were the operators of THE PROPERTY, which was a public place and place of employment, and said Defendant had a duty to maintain the public property, including the walkways, where the public gathered, pumped gasoline, and entered and/or exited the premises, at THE PROPERTY in a manner so that it was as safe as its nature would reasonably permit and to provide a safe place for frequenters.

16. That, contrary to Wis. Stats. § 101.01, the Defendants, SPEEDWAY and ABC MAINTENANCE COMPANY, failed to keep THE PROPERTY, and the areas accessible to the public properly maintained, and were therefore negligent by:

- a. Failing to furnish a place for frequenters which was safe, as that term is defined in Wis. Stats. § 101.01;
- b. Failing to furnish and use safety devices and safeguards and failed to adopt and use methods and processes reasonably adequate to render the subject property safe, as that term is defined in Wis. Stats. § 101.01;

- c. Failing to do every other thing reasonably necessary to protect the health, safety and welfare of frequenters at THE PROPERTY where the Plaintiff, KATHRYN sustained injuries; and
- d. Failing to inspect, maintain, repair, safeguard, and warn so as to render the public property, including but not limited to the walkways, where the public gathered, pumped gasoline, and entered and/or exited the premises, of THE PROPERTY safe, as those terms are defined in Wis. Stats. § 101.01.

17. The negligence/safe place violations by the Defendants, SPEEDWAY and ABC MAINTENANCE COMPANY, its employees and agents, were a direct and proximate cause of, meaning a substantial factor in bringing about the Plaintiff's, KATHRYN, past injuries, past pain and suffering, past medical and hospital expenses, and past loss of income; that said Plaintiff's injuries are permanent in nature, thereby causing her to suffer pain and disability in the future, incur medical and hospital expenses in the future, and incur loss of income in the future, in an unspecified amount pursuant to the Wisconsin Statutes and Wisconsin law.

WHEREFORE, the Plaintiff, KATHRYN ROBINSON, hereby demands judgment against the Defendants, SPEEDWAY LLC, ABC MAINTENANCE COMPANY, and DEF INSURANCE COMPANY, jointly and severally, as follows:

- a. For compensatory damages in a monetary amount to be awarded by the judge and/or jury;
- b. For a hearing on the subrogation compensation due to the Involuntary Plaintiff, THE HONORABLE DENIS RICHARD MCDONOUGH, SECRETARY OF THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, if any.
- c. For the statutory costs, disbursements, and attorney fees; and

d. For whatever other relief the court may deem just and equitable.

**PLAINTIFF HEREBY DEMANDS THAT THE ABOVE ENTITLED ACTION BY TRIED TO
A JURY OF TWELVE (12) PERSONS.**

Dated at Milwaukee, Wisconsin this 31st day of January, 2022

J. RICHARD LAW OFFICES, LLC
Attorneys for Plaintiff, Kathryn Robinson

//Electronically Signed by Jason S. Richard//
By: Jason S. Richard
SBN: 1032068

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